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November 7, 2017

**VIA ELECTRONIC FILING**

The Honorable Jocelyn Boyd  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210-8411

**Re: Response to “Petition to Intervene as an SCE&G Ratepayer and on Behalf of Similarly Situated SCE&G Ratepayers Residing in Lexington County” filed by Dino Teppara in *In re Request of South Carolina Office of Regulatory Staff for Rate Relief to SCE&G Rates Pursuant to S.C. Code Ann. § 58-27-920*; Docket No. 2017-305-E**

Dear Ms. Boyd:

This letter responds to the “Petition to Intervene as an SCE&G Ratepayer and on Behalf of Similarly Situated SCE&G Ratepayers Residing in Lexington County” (the “Petition”) filed by Dino Teppara on October 23, 2017 in the above-captioned matter. For the reasons set forth below, we respectfully oppose Mr. Teppara’s request.

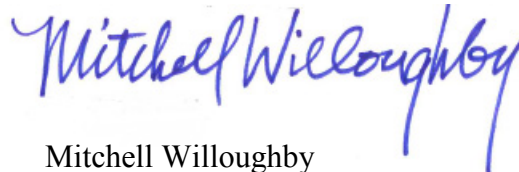
First, we do not oppose Mr. Teppara’s request to intervene as a customer on his own behalf—he is certainly free to do so and to represent his own interests in this matter as a ratepayer, if he wishes. However, we know of no authority or procedure—statutory or otherwise—that would allow Mr. Teppara to represent a class of ratepayers in this proceeding, which is what appears to be contemplated in the Petition. *See* Petition at 3 (“I respectfully request on behalf of myself *and similarly situated ratepayers across Lexington County* the full relief requested by The Office of Regulatory Staff . . . .” (emphasis added)).

Indeed, we know of no procedure or authority that would allow the Public Service Commission to certify a class in any situation pertinent to these proceedings. Notably, the South Carolina Rules of Civil Procedure commit the class action vehicle to *courts* rather than to regulatory panels or other types of review boards. *See* S.C. R. Civ. P. 23(a) (“One or more members of a class may sue or be sued as representative parties on behalf of all *only if the court finds* [the requisite factors for class relief]” (emphasis added)); S.C. R. Civ. P. 23(c) (“A class action shall not be dismissed or compromised without the approval *of the court*, and notice of the proposed dismissal or compromise shall be given to all members of the class *in such manner as the court directs*.” (emphasis added)); S.C. R. Civ. P. 23(d) (“In the conduct of actions to which this rule applies, *the court may make* appropriate orders . . . .” (emphasis added)). Certainly, class actions are unique procedural vehicles that are allowed only in specific circumstances as called for by statute and by the Rules of Civil Procedure. Mr. Teppara cites no authority for the proposition that class actions are permitted in ratemaking proceedings, and we are otherwise unaware of any statutory basis for such a procedure. Absent such authorization, we believe that class relief is simply not available or allowed in these proceedings.

Again, we have no objection to Mr. Teppara representing himself in this proceeding; however, unless he has been retained by other individuals to represent them, Mr. Teppara’s intervention in this matter should be limited to himself.

Respectfully submitted,

**WILLOUGHBY & HOEFER, P.A.**



Mitchell Willoughby

cc: Mr. Dino Teppara, Esquire (via email)  
All Parties of Record (via email)